

## REMARKS

Claims 22, 23, 25, 28, 65, 68, 70, 71 and 74 are amended. Claim 21 is canceled. Claims 76 and 77 are added. Claims 22, 23, 25, 28, 65, 67, 68, 70, 71 and 74-77 are in the application for consideration.

Claims 23, 25 and 28 have been rewritten in independent form.

Claim 25 is further amended to recite a capacitor dielectric region thickness which is less than 50 Angstroms. The cited U.S. Patent No. 6,218,293 to Krause et al. only discloses capacitor dielectric regions having a thickness of 50 Angstroms or greater, with there being no disclosure of a capacitor dielectric region having a thickness less than 50 Angstroms. Accordingly, claim 25 as amended is not anticipated by Kraus et al., and such rejection should be withdrawn. Action to that end is requested.

Independent claims 23 and 28 stand rejected as being obvious over a combination of Krause et al. in view of Liu et al. However, Krause et al. is not §103 prior art to this application. Specifically, this application was filed after November 29, 1999. Accordingly, the provisions of 35 U.S.C. §103(c) apply. This application also has a priority filing date of February 10, 1999. Accordingly the application which became the '293 Krause et al. patent and the priority application hereto were co-pending. The cited Krause et al. patent is understood to only qualify as prior art under one or more of subsections (e), (f) and (g) of §102 of 35 U.S.C. This application and the application which became the cited Krause et al. '293 patent are assigned to

Micron Technology, Inc. The undersigned hereby asserts that the subject matter that became the '293 Krause et al. patent and the claimed invention herein were, at the time the invention herein was made, owned by Micron Technology, Inc., or subject to an obligation of assignment to Micron Technology, Inc. Accordingly hereby, the '293 Krause et al. patent is not §103 prior art to this application, and the rejection must be withdrawn. Action to that end is requested. No admission is made regarding the propriety of the Examiner's rejection, even were the '293 Krause et al. subject matter prior art to this application.

Claims 22, 23, 28, 65 and 70 are amended to indicate insertion of the word "dielectric" in front of "aluminum nitride". Such amendments were previously made, and accepted by the Examiner, by an amendment filed by the undersigned on or about May 29, 2003. However, in the last filed response, it was just discovered that such added word was mistakenly not included in the listed claims. Such is rectified herein in an abundance of caution by indicating the addition of such words into said claims.

New dependent claims 76 and 77 are added. All of Applicant's dependent claims should be allowed as depending from allowable base claims, and for their own recited features which are neither shown nor suggested in the cited art. Action to that end is requested.

This application is believed to be in immediate condition for allowance ,  
and action to that end is requested.

Respectfully submitted,

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By: 

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